

Note: contact the local District Court for any exhibits or forms referred to within these pages.

MONTANA FIFTH JUDICIAL DISTRICT COURT RULES

BEAVERHEAD, JEFFERSON and MADISON COUNTIES

RULE 1 - LAW AND MOTION

1.1 The typical schedule is:

- (1) Monday: Madison County;
- (2) Tuesday and Thursday: Beaverhead County; and
- (3) Wednesday: Jefferson County.

1.2 A party shall set and confirm hearing dates with the Clerk of Court. In the event a party encounters extreme difficulties with a date ordered by the Court, the party shall consult with the opposing party and then advise the Court by stipulation or a motion stating the efforts to contact the opposing party and the opposing party's position.

1.3 Parties shall confirm the specific time for their hearing by consulting the weekly calendar. Hearings are often initially set with a general start time and assigned a specific time in the weekly schedule.

RULE 2 - PLEADINGS, MOTIONS, ORDERS, AND DISCOVERY

2.1 Briefs may not exceed 20 pages without leave of the Court for good cause demonstrated.

2.2 Proper documentation demonstrating service must accompany all documents offered for filing other than a complaint. The Court will not consider any documents requiring a certificate of service that do not have a certificate of service attached. The Clerk of Court shall return documents that are not in compliance with this subsection 2.2 forthwith and without further order.

2.3 A demand for a jury trial must be included in the caption of the complaint or answer.

2.4 All motions, stipulations, etc. must be a separate document from the proposed order.

2.5 When an issue is fully submitted and ready for a decision from the Court, the moving party may file a notice to bring the matter to the Court's attention if a decision has not been rendered within 30 days.

2.6 To promote the electronic storage and exchange of documents and reduce redundant scanning of documents produced by the Court, the Clerk of Court may distribute copies of Court orders and minute entries by email rather than by hard copy. A party shall provide the Clerk of Court with the email address(es) to which copies of orders or minute entries are to be mailed.

A party who has filed any document in the Court electronically is deemed to have provided written consent to receive documents electronically. (Rule 5(b)(2)(E), M. R. Civ. P.)

2.7 The following matters are exempt from the scheduling procedure required by Rule 16(b), M. R. Civ. P.:

- (1) youth court cases;
- (2) URESA actions;
- (3) abstracts of judgment and transcripts of judgment;
- (4) adoptions;
- (5) incompetency hearings;
- (6) probate cases;
- (7) small claims appeals;
- (8) administrative appeals;
- (9) name change cases;
- (10) seizures and forfeitures;
- (11) habeas corpus and post-conviction relief;
- (12) criminal cases; and
- (13) other cases for which good cause is shown.

2.8 Pursuant to Rule 26, M. R. Civ. P., the following discovery rules must be followed in every cause not exempted in subsection 2.7, except Domestic Relations Cases and those cases wherein good cause is shown by motion and affidavit:

(1) Except with leave of the Court, a party may not seek discovery from any source before making an appropriate pre-discovery disclosure and may not seek discovery from another party before serving that party with an appropriate disclosure. A party may serve written discovery requests upon a party simultaneously with service of the required dis-

closure statement upon that party. Each party shall serve an appropriate disclosure not later than 30 days after entry of the case scheduling order. The disclosure must contain the following information:

- (a) the factual basis of each claim or defense advanced by the disclosing party;
- (b) the legal theory upon which each claim or defense is based, including, when necessary for a reasonable understanding of the claim or defense, citations or pertinent legal or case authorities;
- (c) the name and, if known, the address and telephone number of each individual known or believed to have discoverable information about the claims or defenses and a summary of that information;
- (d) a copy of or a description, including the location and custodian, of documents or data compilations and tangible things and relevant documents reasonably likely to bear on the claims or defenses;
- (e) a computation of any damages claimed; and
- (f) the substance of any insurance agreement that may cover any resulting judgment.

(2) The disclosure obligation is reciprocal and continues throughout the case. A party who has made a pre-discovery disclosure is under a duty to supplement or correct the disclosure within a reasonable time if the party learns that the information disclosed is not complete and correct or is no longer complete and correct.

RULE 3 - FILINGS

3.1 All cases shall be filed using e-filing unless specifically exempted.

(1) All pro se litigants and DP (probate), DG (guardianship), DF (paternity), and DA (adoption) cases cannot be e-filed at this time. Filings in these matters shall be filed in accordance with rule 3.5.

3.2 Documents not filed in accordance with these rules shall be rejected by the Clerk of Court's Office.

3.3 All proposed e-file Orders shall be filed in Word, as a separate document categorized as a Proposed Order in e-file, and shall not have a footer, or signature/date block for the judge.

3.4 All exhibits unable to be e-filed shall be delivered to the Clerk's office and shall be accompanied by a Notice describing the exhibits. The Clerk's office will file the Notice when they are in possession of the exhibits.

3.5 (1) All documents not currently accepted by e-filing may be submitted for filing in person, by email, or facsimile *and must be accompanied by the fee of \$.50/page as required by §25-1-201(1)(r), MCA*. Documents filed by email or facsimile are considered the originals. Mailed original documents are **not required and duplicates may not be filed**.

(2) Documents submitted by email in accordance with 3.5(1) must be emailed to:

Beaverhead County: clerkofcourt.beaverhead@mt.gov

Jefferson County: dwoods@mt.gov

Madison County: kmiller@mt.gov **AND** chill@mt.gov

(3) Documents submitted by facsimile must be faxed to:

Beaverhead County: (406) 683-3728

Jefferson County: (406) 225-4044

Madison County: (406) 843-5207

3.6 When filing documents by email or facsimile, the following guidelines must be followed:

- (1) all documents must be properly signed and dated with the party's copied or electronically generated signature; and
- (2) emailed documents must be in a PDF format and submitted as an attachment to an email.

3.7 For the purposes of this rule, the term "document" means any combination of a motion, brief, affidavit, etc., that is filed in a civil or criminal case.

3.8 Payment or proof of payment is required prior to the Clerk's office accepting/filing any documents.

RULE 4 - JURY INSTRUCTIONS

4.1 The parties **shall** confer with each other before submitting jury instructions. Duplicate instructions may not be submitted.

4.2 Requested instructions must include a cover sheet bearing the case number, caption, title, e.g., "Plaintiff's Requested Instructions," signature, and praecipe.

4.3 Each requested instruction must be identified by party and consecutive number, e.g., "Plaintiff John Smith's Requested Instruction

